THE HONOURABLE SRI JUSTICE P.KESHAVA RAO

I.A.NO. 1 OF 2018
AND
CRIMINAL REVISION CASE No.922 of 2007

COMMON ORDER:

Heard the learned counsel for the petitioner/accused as well as the learned counsel for the respondent No.1 and the learned Public Prosecutor.

The present criminal revision case is filed questioning the Judgment passed in Criminal Appeal No.77 of 2006, dated 11.7.2007 on the file of the V Additional Sessions Judge (FTC), West Godavari District, Eluru, and confirming the Judgment passed in CC No.325 of 2005, dated 13.4.2006 on the file of the Special Judicial Magistrate of I Class (Excise), Eluru.

The facts of the case are that the revision petitioner herein has been convicted for the offence under Section 138 of the Negotiable Instrument Act and sentenced to undergo simple imprisonment for a period of three months.

However, during the pendency of the criminal revision case, it is informed by both the learned counsel that the parties have settled the issue outside the Court by entering into compromise, pursuant to which the revision petitioner has paid a sum of Rs.40,000/- to the respondent No.1 herein. Accordingly, the respondent No.1 has filed the petition in I.A.No.1 of 2018 seeking permission of the Court to compound the offence and to set aside the Judgment passed in Criminal Appeal No.77 of 2006 on the file of V Additional Sessions Judge (FTC), W.G. District, Eluru, confirming the conviction order dated 13.04.2006

passed in C.C. No.325 of 2005. Both parties present and produced the Xerox copies of the Aadhaar cards and same are made as part of the record. Along with the said petition, affidavit of the first respondent and joint memo of both parties have been filed.

In view of compromise entered into between the parties and the offence alleged against the accused is compoundable in nature, there is no impediment to set aside the conviction and sentence recorded against the accused.

In view of the averments made in the affidavit and joint memo filed along with the application, I.A.No. 1 of 2018 is allowed.

Consequently, the criminal revision case is allowed. The conviction and sentence recorded against the accused by the Special Judicial Magistrate of First Class (Excise), Eluru, dated 13-04-2006 in C.C.No.325 of 2005 and as confirmed by the V Additional Sessions Judge (FTC), West Godavari District, Eluru dated 11-07-2007, in Criminal Appeal No.77 of 2006 are set aside and the accused is acquitted of the offence punishable under Section 138 of the Act.

Miscellaneous petitions pending, if any, shall stand closed in this criminal revision case.

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P. KESHAVA RAO,J

Date:07.06.2018
slk

HONOURABLE SRI JUSTICE P. KESHAVA RAO

I.A.NO. 1 OF 2018
AND
CRIMINAL REVISION PETITION No.922 of 2007

Date:07.06.2018

SLK

HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH
सत्यमेव जयते